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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,731	09/15/2000	Satoshi Tsujii	450100-02716	2305
20999 7590 08/23/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER VENT, JAMIE J	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/663,731

Applicant(s)

TSUJII ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-8 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, and 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable by Okada et al (US 6,181,870) in view of Abecassis (US 6,208,805) in further view of Modeste et al (US 5,852,800).

[claims 1, 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, & 25]

In regard to Claims 1, 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21, 23, 24 and 25, Okada et al discloses a recording apparatus and method for recording video and audio data to a recording medium, rewritable optical disc, comprising:

- Video encoding means for encoding video data in a group structure of a plurality of frames corresponding to a compression-encoding process (Figure 18 shows an encoder in which an inter-frame predictive encoding process and a motion compensative process is met through the MPEG encoder as well being well known in the art);

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- Video data output means for outputting encoded video data by said encoding means (
- Audio output means for outputting compression-encoded or non-compressed audio data (Figure 17 shows audio output signal used for outputting all audio data);
- Management data generating means for generating management data which manages said encoded video data and audio data of said file structure
- Transforming means for transforming the data structure of encoded video or encoded audio data that is output from said encoding means and audio data that is output from said video data output means, audio data that is output from said audio output means, and the management data into a file structure (Figure 17 C1 transforms the output of the MPEG encoder into a file that can be processed by a computer system as further described in Column 37 Lines 40+ and seen in Figure 21);
- Recording means for recording said transformed encoded video data to a recording medium, the audio data and the management data (Figure 17 recording element 3 records the file structure information); however, fails to disclose
- Wherein the file structure contains a first video data unit which corresponds to a predetermined number of frames of said encoded video data outputted from said video output means, a first audio data until which corresponds to a predetermined number of sound samples of said audio data, a second video data which comprises

a plurality of said first video data units, and a second audio data which comprises a plurality of said of said first audio data units;

- Wherein said second video data unit and said second audio data unit are recorded on a successive location of said record medium respectively; and
- Wherein said management data includes at least the start position of the second video data unit and the second audio data unit respectively.

Abecassis discloses a system wherein the control function is inhibited for interfering of the playback of video. The inhibiting provides a control function of playing proper video segments and thereby contains various file structures within the video data stream. As seen in Figure 3 various file structures contain a first data unit that corresponds to a predetermined number of frames and are thereby encoded by the first data units and described in Column 9 Lines 1-50. The ability to have a certain number of frames in each data structure allows for proper controlling of segments. Modeste et al further discloses a system that provides a first and second audio and video units as well as management information areas on a disk as seen in Figure 1. Additionally, as described in Column 8 Lines 57+ and continuing on Column 9 Lines 1-50 describes the various areas for data to be contained on the disc. It is further taught in Figures 13-16 the encoded audio and video signals that are stored and processed on the disc as further described in Column 15 Lines 59+ through Column 16 Lines 1-14. The ability to store various data throughout the disc provides the system to have the ability to efficiently store and process the data without disrupting other parts of the data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system for transforming and recording segments, as disclosed by Okada et al, and further incorporate a system wherein the

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file structure contains a certain number of frames and thereby provides proper control of the data stream, as recited by Abecassis, and further teach a system that have audio and video data stored onto the disc as well as management data that provides the start and ending position of the other A/V data.

[claim 3]

In regard to Claim 3, Okada et al further discloses the compression-encoding process is MPEG, a GOP structure (Figure 4a and 4b and further described in Column 15 Lines 28-38), and date of the sequence header is added to each GOP that is matched with the first data unit (Figure 6F-6H shows the headers for the data that is added to each GOP and it is further described in Column 23 Lines 14+ that packet start codes shows the time at which the data is stored in the present back and when it should be inputted into the various buffers thereby allowing for a comparison match with the first/original data unit).

[claim 7]

In regard to Claim 7, Okada et al further discloses a recording apparatus wherein the duration of the encoded video data of the second data unit is the same as the duration of the encoded audio data of the second data unit (Figure 89a shows the second data (cell #7a) being matched with subsequent length and duration of the first/original data set (Cell #7) as seen by the length of time of each segment).

[claim 8]

In regard to Claim 8, Okada et al further discloses a recording apparatus wherein the encoded video data of the second data unit and the encoded audio data of the second data unit are alternately placed in the multiplexed data, each of the encoded video data of the second data unit

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and the encoded audio data of the second data unit being matched with successive record length (Figure 71 shows the encoded AV data being alternately placed in the multiplexed data unit of the user defined chain PGC#3 with each record being matched with the successive length due to the time map table as seen in the Original PGC #1 and #2).

[claim 11]

In regard to Claim 11, Okada et al further discloses a recording apparatus wherein the file structure further includes a data portion containing management information and the data portion contains size information of the first data unit and position information of the second data unit (Figure 36 shows the management information for the file system, aside from of the sector management table and AV block management table which is seen in Figure 6).

[claims 26 & 27]

In regard to Claims 26 and 27, Okada et al discloses a recording apparatus wherein the second video data unit and second audio data unit are recorded; however, fails to disclose that the units are recorded on a successive location of said medium. Modeste et al discloses a system wherein video and audio units are recorded on successive locations of the medium as seen in Figure 1 and described in Column 8 Lines 57+ and continuing on Column 9 Lines 1-50. The ability to record the information in successive locations provides for efficient recording of information on the recording medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus, as disclosed by Okada et al, and further incorporate a system that provides video and audio units recorded successively, as disclosed by Modeste et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Fax Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent



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